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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,788	01/28/2004	John Egart	B797.12-0001	3986

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EXAMINER

NEWHOUSE, NATHAN JEFFREY

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/766,788	Applicant(s) EGART ET AL.	
	Examiner Nathan J. Newhouse	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/6/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, applicant sets forth left and right side straps, but in claim 2 applicant sets forth "at least one side strap" which does not correspond to the number of side straps previously set forth thereby rendering the claims indefinite.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alves (US 5,769,295) in view of Tompkins (US 2,691,399).

Alves teaches a backpack comprising a bag portion and only one shoulder strap. Alves does not teach the left and right side straps and the central member.

Tompkins teaches a similar device for carrying arrows on a user's back comprising only one shoulder strap (52), left and right side straps (54, 56) and a central member (62). Each of the straps (52, 54) has are adjustable in length by buckles (64, 66). The shoulder strap (52) and the right side strap (54) having separating buckles

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(58, 60) for detachably connecting with the central member (62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the backpack of Alves with left and right side straps, modify the shoulder strap with a separating buckle and provide a central member to provide lateral stability to the bag portion of the backpack via the side straps and to allow for quick attaching and detaching of the backpack.

With respect to claims 6-11, the method of donning or removing the backpack is taught by the combination as set forth above. Tompkins provides separating buckle (60) to allow for disconnecting one side strap. One of ordinary skill in the art would readily recognize that by disconnecting the side strap, allows for easier removal of the quiver from a user's back. As set forth, this method would be equally effective in removing the backpack of Alves as modified by the structure of Tompkins to provide the side straps and central member.

4. Claims 3-4 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alves (US 5,769,295) in view of Tompkins (US 2,691,399) as applied to claims above in paragraph #3, and further in view of Haber (US 5,950,894).

Alves, as modified above, teaches everything except for both side straps having separating buckles for detachable attachment to the central member.

Haber teaches a backpack comprising two shoulder straps (27, 39) and two side straps (29, 41) connecting with a central member (43) via detachable buckles (38, 44, 51, 53) to allow for removal of each strap which allows for easy donning and removal of the backpack. It would have been obvious to one of ordinary skill in the art at the time

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the invention was made to provide each of the side straps of Alves with detachable buckles as taught by Haber to allow for either or both of the side straps to be removed and attached to the central member, thereby allowing easier removal and/or donning of the backpack as either or both of the side straps may be disconnected.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,887,751

US 2,224,568

US 1,302,312

US 5,893,503

US 5,228,609


US 2,781,808

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan J. Newhouse whose telephone number is (571)-272-4544. The examiner can normally be reached on Monday-Thursday, 6:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on (571)-272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nathan J. Newhouse
Primary Examiner
Art Unit 3727